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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-0028-MMC
)	
Plaintiff,)	[PROPOSED] STIPULATED ORDER
)	CONTINUING STATUS CONFERENCE
v.)	
)	Current Hearing Date: May 12, 2010
BRANDON BERNARD,)	Time: 2:30 p.m.
)	Judge: Hon. Maxine Chesney
Defendant.)	
)	Proposed Hearing Date: June 23, 2010
)	Time: 2:30 p.m.

The above-captioned case is currently scheduled for a status conference on Wednesday, May 12, 2010 at 2:30 p.m. Counsel for the defendant seeks additional time to investigate issues related to a possible defense in this matter. Moreover, counsel for the defendant is unavailable on June 2, June 9, and June 16, 2010.

Therefore, the parties jointly request that the date for the status conference in this case be continued until June 23, 2010 at 2:30 p.m.

Further, the parties stipulate and jointly request that time be excluded from the Speedy Trial Act calculations from Wednesday, May 12, 2010 through Wednesday, June 23, 2010 for effective preparation and continuity of counsel. The parties agree that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

SPEEDY TRIAL ACT IMPLICATIONS

Pursuant to 18 U.S.C. § 3161, and Crim. Loc. Rule 47-2(c), there are sixty-seven (67) days remaining before the trial in this case must commence. Taking the stipulated time exclusion from Wednesday, May 12, 2010 through Wednesday, June 23, 2010 into account, the “speedy trial” date for this matter is August 29, 2010.

IT IS SO STIPULATED.

5-7-10

DATED

/s/

JOSEPH P. RUSSONIELLO
United States Attorney
Northern District of California
MATTHEW L. McCARTHY
Assistant United States Attorney

5-7-10

DATED

/s/

GEOFF ROTWEIN
Attorney for Brandon Bernard


~~[PROPOSED]~~ ORDER

For good cause shown, the status conference now scheduled for Wednesday, May 12, 2010 is vacated. The matter shall be added to the Court's calendar on Wednesday, June 23, 2010 at 2:30 p.m. for status and possible change of plea.

In addition, for the reasons stated above, the Court finds that an exclusion of time from May 12, 2010 through June 23, 2010 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161(h)⁽⁷⁾(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)⁽⁷⁾(8)(B)(iv). Taking the stipulated time exclusion from Wednesday, May 12, 2010 through Wednesday, June 23, 2010 into account, the "speedy trial" date for this matter is August 29, 2010.

IT IS SO ORDERED.

May 11, 2010
DATED


HON. MAXINE M. CHESNEY
United States District Court Judge